

APR 05 2004

Attorney Docket: POWRD-014B

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:)	Confirmation No. 3584
Raymond G. Freuler, et al.)	
Serial No.: 09/834,158)	Art Unit: 1751
Filed: April 12, 2001)	Examiner:
)	Derrick G. Hamlin
For: Phase Change Thermal Interface)	
Composition Having Induced Bonding)	
Property)	

DECLARATION OF MATTHEW A. NEWBOLES IN SUPPORT OF PETITION
FOR REVIVAL UNDER 37 C.F.R. 1.137(f)MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Matthew A. Newboles, hereby declare as follows:

1. I am an attorney with the law firm of Stetina Brunda Garred & Brucker, based in Aliso Viejo, California, and co-counsel of record in the above-identified patent application. I have personal knowledge of the following facts, and if necessary could and would competently testify in relation thereto.
2. Since the filing of the present application in April 2001 and until very recently, responsibility for handling the prosecution of the present application was shared between Mr. Steve Bauman, Esq. in-house patent counsel for Loctite Corporation and myself. Mr. Bauman's offices are located at Loctite Corporation's headquarters in Rocky Hill, Connecticut. Loctite Corporation was merged into Henkel Corporation on December 12,

2003. The name Loctite has been retained for marketing purposes, but the corporate entity has ceased to exist.

3. The present application was filed with a non-publication request under 35 U.S.C. § 122(b)(2)(B)(i). Such non-publication request was executed by Raymond G. Freuler, a named co-inventor and former officer of Power Devices, Inc., a division of Loctite, Corporation, the latter being the assignee of the present application.

4. Following the filing of the present application, I periodically kept in contact with Mr. Freuler insofar as the offices of Power Devices, Inc. are located in close proximity to our firm. In October 2001, however, Mr. Freuler had died unexpectedly. Up until the time of his death, Mr. Freuler had never provided me or to the best of my knowledge anyone in my firm with any instructions to file any type of foreign or international patent application based on the present application.

5. In late February 2002, Mr. Bauman had instructed our firm to file a Patent Cooperation Treaty application based on the present application. Based on such instructions, one of our firm's paralegals, Ms. Kristy Moore, proceeded to file such application, which was filed on March 13, 2002 as application number PCT/US02/07550.

6. On April 1, 2004, I spoke with Mr. Greg Hill, Esq., who is also in-house patent counsel for Henkel Corporation (formerly Loctite Corporation). Mr. Hill advised me that Mr. Bauman was no longer responsible for prosecution of the present application and that based upon a very recent review of the file, it appears as though neither Mr. Bauman nor our firm sought to rescind the previous non-publication request.

7. To the extent such failure has occurred, such failure was completely inadvertent and neither I, nor to the best of my knowledge anyone associated with the handling of


this matter had any intent to delay in filing the required notice of the international filing of the present application. Applicant has now sought to provide such notice and submit the following petition as expeditiously as possible.

8. I hereby declare that all statements made herein are of my own knowledge, are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent resulting therefrom.

Respectfully submitted,

Date: 4/5/04

Customer No.: 007663

By: 
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